3288

NINETEENTH LEGISLATURE.

NO. 81. HOUSE.

DOCUMENTS

RELATING TO

TRESPASSERS

ON THE

PUBLIC LANDS.

[SMITH & ROBINSON,—Printers to the State.]

MESSAGE OF GOV. FAIRFIELD.

[CONFIDENTIAL.]

To the Senate and
House of Representatives:

On the 14th of December, 1838, the Land Agents of Massachusetts and of this State appointed George W. Buckmore to proceed to the Aroostook and Fish Rivers for the purpose of preventing as far as he was able any trespassing upon the Public Land. Mr. Buckmore has just returned from these places and made report which has been communicated to the Governor and Council, and is herewith laid before you for your consideration. By this report it appears that a large number of men, many of them, I am informed, from the British Provinces, are trespassing very extensively upon the lands belonging to this State: that, they not only refuse to desist, but defy the power of this Government to prevent their cutting timber to any extent they please. Upon the Grand River, it is estimated there are from forty to fifty men at work. On the Green River, from twenty to thirty. On Fish River, from fifty to seventy-five men with sixteen yoke of oxen and ten pair of horses, and more daily expected to go in. On Township letter H, ten men, six oxen and one pair of horses. On the Little Madawaska seventy-five men, with twenty yoke of oxen and ten horses. At the Aroostook Falls fifteen men with six yoke of oxen. The quantity of timber which these trespassers will cut the present winter

is estimated in value, by the Land Agent at one hundred thousand dollars.

These facts, it seems to me, present a case in which not merely the property, but the character of the State, is clearly involved. The supremacy of law, as well as the sanctity of right, cannot be thus contemned and set at nought with impunity, without impairing the general authority of the Government and inviting renewed aggressions on the part of daring and lawless men. Conduct so outrageous and high-handed as that exhibited by these reckless depredators upon the public property, calls for the most prompt and vigorous action of the Government. Under the circumstances, therefore, I would recommend that the Land Agent be instructed forthwith to proceed to the place of operation on the Aroostook and also upon Fish River, if practicable, with a sufficient number of men suitably equipped, to seize the teams and provisions, break up the camps, and disperse those who are engaged in this work of devastation and pillage. The number suggested by the Land Agent as sufficient for this purpose, is fifty. This estimate is probably too small. The Land Agent under the law of 1831, may, perhaps, be invested with sufficient authority for this purpose. But considering that it would be an extraordinary measure, and would involve considerable expense for which there should be an appropriation, it was deemed best to ask the sanction of the Legislature. It is not to be supposed that the Provincial Government wink at these lawless proceedings on the part of its citizens. On the contrary, we are bound to believe that it would be as willing as this Government, to have them arrested. Be it as it may, we are bound by every consideration of duty to ourselves and to those who have confided their interests to our care, to take some

strong, decisive and efficient measures in a case of so flagrant a character. Nothing else will save our beautiful and valuable forests from destruction and plunder.

I have deemed it expedient to make this communication to you confidentially, under the impression that if your proceedings should be communicated to the trespassers before the Land Agent was prepared to go in, they would combine their forces and render any attempts to break them up more difficult, if not more dangerous.

JOHN FAIRFIELD.

COUNCIL CHAMBER,
January 23, 1839.

CORRESPONDENCE.

From Mr. Hamlin to the Governor and Council.

[COPY.]

STATE OF MAINE.

LAND OFFICE, AUGUSTA,
January 22, 1839.

To the Honorable the Governor and Council:

GENTLEMEN:—I deem it my duty to lay before you the accompanying Report of George W. Buckmore, in relation to depredations upon the Aroostook and St. John Rivers, also, a copy of the instructions given him by the Land Agent of Maine and Massachusetts.

It will be seen from his Report, that extraordinary depredations are being committed on the public lands situated on those rivers, and that energetic measures will be required to arrest them.

As to the trespassers upon the Aroostook, I am confident nothing short of an armed force, of at least fifty men, can effectually break them up. When the wholesale depredations on the Little Madawaska are stopped, the minor trespassers on the other streams, tributary to the Aroostook, will cease of course.

In an affair of this magnitude, the Land Agent does not feel himself authorized to proceed without some particular directions from the Governor and Council, or from the Legislature now in session.

ELIJAH L. HAMLIN, *Land Agent.*

From Mr. Hamlin and Mr. Coffin to Mr. Buckmore.

[COPY.]

STATE OF MAINE.

LAND OFFICE,
Bangor, Dec. 14, 1838.

To GEORGE W. BUCKMORE:

SIR:—You are hereby authorized and empowered to proceed to the Aroostook River and see that no trespassing is committed on the Townships belonging to Maine and Massachusets on that river, the ensuing winter. You are also authorized, if it becomes necessary, to take off the teams and supplies of those found trespassing, and sell the same at auction, according to the provisions of an Act, approved March 28, 1831.

If there should be any communication open with Fish river, you will make an examination there, and see that no trespasses are committed.

Should you meet with any resistance, or any thing extraordinary takes place, you will give immediate information to this office, where you will also make a return of your doings after the above named service is completed.

(Signed,)

ELIJAH L. HAMLIN, *L. Agent of Maine.*
GEO. W. COFFIN, *L. Agent of Mass.*
By E. L. HAMLIN.

From Mr. Buckmore to Mr. Hamlin.

[COPY.]

To ELIJAH L. HAMLIN, *Land Agent:*

SIR:—Agreeably to your instructions dated December 14th, requesting me to look after trespassers on the Aroostook and St. John rivers, I immediately left Ellsworth and proceeded to the Aroostook river—and after stopping there a few days, I

left Township No. 11, for Fish river through the Madawaska settlement, and returned to Township No. 11, after an absence of ten days. Finding the amount of depredations to be much larger than was anticipated, and being unable to arrest the trespassers or to take off their teams and supplies, I concluded to return, and herewith lay before you the following Report of my doings and examinations, and await such further instructions as you may see fit to give.

A short distance above the Grand Falls, I fell in company with two men, who were going up Grand river, with some others, to make timber for a Mr. Ketchum. I learned from these persons that there were from 40 to 50 men at work making timber on this river. I also learned that there were from 20 to 30 persons cutting timber on Green river, all well supplied with teams and provisions.

At the Madawaska settlement, I learned from the inhabitants that the Governor of New Brunswick had given permission to each settler to cut one hundred pine logs on his lot, and most of the inhabitants were engaged in cutting logs, under this license, for Sir John Caldwell's mills at the Grand Falls.

During my stop at the Madawaska settlement, I was called upon by Francis Rice and Leonard R. Coombs, Esquires, two of the Magistrates living at Madawaska, to learn my business on the St. John river, which I freely communicated. They then requested a copy of my instructions, which I furnished them. They said they were authorized by the Governor to arrest all persons attempting to exercise jurisdiction, on the part of the American Government, in the Madawaska settlement, and that they should forward a copy of my instructions to the Governor at Fredericton.

I was informed here that several crews were at work cutting timber on the Madawaska and St. Francis rivers. I also learned that there were large parties of trespassers on the Restigouche river, some of whom had come through to the Madawaska settlement to purchase hay. From this place I

proceeded to the mouth of Fish river, which I ascended about fourteen miles, and found within that distance the following trespassers. A Mr. Whalen, with a crew of eight men and a team of six oxen, supplied by Francis Rice, Esq. before named. C. Fernandee and S. Herbert, with a crew of six men and one team—a crew of fourteen men and one team, supplied by Mr. Carle, an inhabitant of Madawaska—Joseph Dominkee, with a crew of nine men and a team, supplied by Mr. Brunsieu of Canada—Mr. Woobert and R. Martin, with a crew of fourteen men, two pair of horses and four oxen—L. Nado, with a crew of seven men, with one team of horses and one team of oxen—and several small crews, making altogether as near as I could calculate, ten pair of horses, sixteen yoke of oxen and from fifty to seventy-five men.

More teams and men were expected in daily. Some of these crews had been at work here ever since last summer. The most of these trespassers were located, as near as I could judge, on Township No. 16, in the 7th Range belonging to Maine. The following crews were at work on the main St. John, between the St. Francis and Madawaska rivers. Two crews under L. R. Coombs, Esq. before mentioned—one crew under Messrs. Wheelock and Caton, supplied by Sir John Caldwell—one crew under S. Herbert—one crew under William Gardner—one crew under Mr. Hunnewell—one crew under Messrs. Makay and Decenado—one crew under Mr. Canada—and one crew under D. Dagle, making nine crews in all. From the best information I could obtain from the inhabitants, it was calculated that these trespassers would cut on the St. John and its tributaries above the Grand Falls, this season, including the logs, at least seventy-five thousand tons, about one third of which would be cut on Fish river.

On the Aroostook river, the trespassers upon whom I served writs last fall, above Beaver brook, in company with yourself, have not returned, and there is no trespassing by the Provincials above that stream. The crews on Beaver brook supplied

by Peter Ball, have returned. I saw Mr Ball, and he informed me that as there was trespassing below, he should not stop himself, and that he should resist any attempt to take away his teams.

The crew which began to cut on Salmon Stream, early last fall, are still at work, and now say they do not intend to quit, but mean to defend themselves and resist all authority from this State.

On Township Letter H, belonging to Maine, I found Mr. Johnson, with a crew of ten men, six oxen and one pair of horses. They refused to quit, and said they should continue to cut the timber in spite of both Governments, and used much threatening language. I stopped one night among the settlers at the mouth of the Little Madawaska, and from the best information I could obtain, there are about seventy-five persons trespassing on this river, with twenty yoke of oxen and ten pair of horses, well supplied with provisions from the Province.

I met several teams on their way up, and noticed that the road leading up the Little Madawaska was trodden hard, and indicated a large amount of travel. From what I could learn the most of these trespassers are violent and lawless men, and have given out that they mean to resist any officer who shall attempt to take themselves or their team.

At the Aroostook falls I found two crews of about fifteen men and six yoke of oxen, cutting timber within the American line, and hauling it into the river, below the falls. From the best information I could obtain, I have no doubt, that from fifteen to twenty thousand tons of timber will be taken off the townships on the Little Madawaska river this winter.

(Signed) GEORGE W. BUCKMORE.

AUGUSTA, January 22, 1839.

Resolve of the Legislature, January 24.

STATE OF MAINE.

RESOLVE relating to Trespassers upon the Public Lands.

Resolved, That the Land Agent be and is hereby authorized and required to employ forthwith sufficient force to arrest, detain and imprison all persons found trespassing on the territory of this State, as bounded and established by the Treaty of 1783. And that the Land Agent be and is hereby empowered to dispose of all the teams, lumber and other materials in the hands and possession of said trespassers, in such way and manner as he may deem necessary and expedient at the time, by destroying the same or otherwise, and that the sum of ten thousand dollars be and hereby is appropriated for the purpose of carrying this Resolve into effect, and that the Governor with the advice of the Council, be and is hereby authorized to draw his warrant from time to time, for such sums, as may be required for the purposes aforesaid.

[Approved January 24, 1839.]

MESSAGE OF GOV. FAIRFIELD.

To the House of Representatives:

In compliance with the request of the House of Representatives, I herewith communicate such information as I have in relation to "the reported abduction of the Land Agent."

Under the Resolve of the 24th of January last, entitled a "Resolve relating to trespassing upon the Public Lands," the Land Agent repaired with about two hundred chosen men, to the scene of operation on the Aroostook River. Prior to his reaching there, it is understood that the trespassers, amounting to about three hundred men in number, and all well armed, had combined and were determined to resist every effort that should be made to break them up. Finding, however, that the Land Agent had prepared himself with a six pounder, they chose to retire from the ground, passing down the river.

The Land Agent with his company also passed down the Aroostook to near its mouth, finding the places of operation abandoned by the trespassers. On Monday last, they captured a gang of about twenty, who had been operating further up the river, and sent several, who were considered the ring leaders, to Bangor, where it is supposed they are now in jail. On Monday, the Land Agent sent a letter to Mr. McLaughlan, the Land Agent for the Province of New Brunswick, inviting a meeting with him at the house of Mr. Fitz Herbert, about four miles from where the company were then stationed; and on the same evening with four others, Mr. McIntire repaired to the house of Mr. Fitz Herbert, intending to pass the night there.

The trespassers, however, in some way became possessed of the facts, and detached a company of about fifty, who seized the Agent and those accompanying him, and transported them, it is believed, beyond the bounds of the State.

Our Company is now at No. 10, on the Aroostook, fortified and anticipating an attack, in case any attempt should be made on our part to execute the Resolve of the 24th of January by destroying the timber which has already been cut.

I have advised the sending of a reinforcement of three hundred men, as it is probable the number of the trespassers will be constantly augmenting—and if a Resolve to that effect be passed, shall appoint an Agent to supply temporarily the place of Mr. McIntire, and lead on the expedition. I have also dispatched a special messenger to Sir John Harvey, Lt. Governor of New Brunswick, for the purpose, among other things, of ascertaining whether these high-handed proceedings of the trespassers are authorized, or in any way countenanced by the Provincial Government—and to procure the release of the Agent and those taken with him. The Agent was also charged with other matters pertaining to this most extraordinary and outrageous proceeding.

The facts above related, except in relation to my own doings, have been communicated to me verbally by the Sheriff of Penobscot, who formed one of the company of the Land Agent.

This is the only communication from the Land Agent or his company, which I have had verbally or otherwise, that could be relied upon.

JOHN FAIRFIELD.

COUNCIL CHAMBER,
Feb. 15, 1839.

Resolve of the Legislature, February 16.

STATE OF MAINE.

RESOLVE in relation to the North Eastern Boundary.

Resolved, That the Governor be authorized to appoint, when circumstances in his opinion require it, some person or persons to supply, temporarily, the place of the Land Agent, in executing the Resolve of the twenty-fourth January last, relating to trespassers on the Public Lands. And the person or persons thus appointed, shall, for the time being, have all the power, and be subject to all the duties of Land Agent, so far as it regards the Resolve aforesaid.

Approved February 16, 1839.

Instructions to Mr. Rogers.

AUGUSTA, Feb. 15, 1839.

Jonathan P. Rogers, Esq:

SIR:—In pursuance of my object disclosed to you this day, you having consented to lend your personal services in effecting that object, I wish you to proceed forthwith to Fredericktton, N. B. and have a conference with His Excellency Sir John Harvey, upon the extraordinary events that have just occurred in relation to the seizure and abduction of the Hon. Rufus McIntire and several others, while engaged in the execution of certain duties under a Resolve of the Legislature of this State, adopted the 24th of January last. You will communicate to Gov. Harvey all the facts in the case, so far as they have come to your knowledge, and ascertain from him whether the high-handed and outrageous proceedings alluded to, have been authorized, sanctioned, or in any way countenanced by the Provincial Government; and if such should be the fact, to demand the instant release of our citizens, and in case of refusal, to return forthwith to this place. If otherwise, as is supposed to be the fact, and the seizure and abduction have been made by a band of lawless and desperate men, Governor Harvey will undoubtedly furnish you every facility in his power for effecting the release and safe return of the persons alluded to.

As it is the determination of this Government, so far as it may be able, to break up and put an end to the trespassing upon the public lands, and as in effecting that object it may be necessary to destroy the timber already cut, you will endeavor to ascertain the views and intentions of Gov. Harvey in relation to it—and whether any resistance on his part to such a movement is to be apprehended by us.

You will also endeavor to ascertain the facts in relation to the persons engaged in the pillage of our timber, and the still

more daring act of seizing our citizens and transporting them out of the State. Learn, if you can, who they are—where from—how numerous they are—what are their designs—and whether they receive any countenance from British subjects living near the line.

Having fully expressed my views to you personally, I do not deem it necessary to be more particular in making this communication.

With full confidence that you will do every thing in the premises which the honor and interest of your State require, I subscribe myself,

With high respect,
Your ob't serv't,
JOHN FAIRFIELD,
Gov. of Maine.

From Gov. Fairfield to Sir John Harvey.

AUGUSTA, Feb. 15, 1839.

His Excellency SIR JOHN HARVEY,
Lieut. Governor of N. B.:

SIR:—This communication will be handed to you by the Hon. Jona. P. Rogers, a distinguished citizen of this State, whom I have requested to proceed to Frederickton for the purpose of conferring with your Excellency upon a most extraordinary and high handed proceeding on the part of certain trespassers upon the public lands, in seizing and transporting beyond the bounds of the State, the Hon. Rufus McIntire, Land Agent, and several other persons while aiding him in the regular and legal execution of the duties of his office—and for the purpose of procuring their release. Mr. Rogers will inform your Excellency of the facts as they have been reported here, and confer with you generally upon the subject.

I cannot doubt that your Excellency will furnish Mr. Rogers with the information in your possession, and will afford him every facility in accomplishing the object of his mission.

I have the honor to be,

With high respect,

Your obedient servant,

JOHN FAIRFIELD,

Governor of Maine.

Appointment of Mr. Jarvis.

AUGUSTA, Feb. 15, 1839.

Hon. Charles Jarvis:

SIR:—An extraordinary state of affairs upon what is called the disputed territory, has induced me to invite your services in the cause of the State. By the enclosed Resolve you will perceive that the State has come to the determination of breaking up and putting an end to the trespassing upon the public lands. Under this Resolve, Mr. McIntire, the Land Agent, repaired to the scene of operations, with about 200 chosen men. The trespassers had combined and intended to resist every attempt to disperse them—but finding that our men had supplied themselves with artillery, they thought it prudent to leave the ground, though 300 in number. After this, however, Mr. McIntire with four others, being unfortunately separated from the main body, were seized by a detachment from the trespassers, and transported beyond the bounds of the State. Our men are now on No. 10, upon the Aroostook, fortified, where they will remain until they receive a reinforcement, and then proceed to the further execution of the Resolve alluded to.

Under these circumstances, it has become necessary for me to appoint some one to take the place of Mr. McIntire and to lead on the expedition. I know of no gentleman better quali-

fied for the service than yourself, and trust that you will find no obstacle in the way of your acceptance of the appointment.

Mr. Strickland, Sheriff of Penobscot, is instructed to procure forthwith from 200 to 300 additional men. He has also been supplied with the necessary funds. I hope you will immediately set out for Bangor, where you can confer with Maj. Strickland, and repair at the earliest possible moment, with the additional force, to the scene of the trouble, where you will proceed to execute the Resolve of 24th of January.

I am very respectfully,

Your most ob't serv't,

JOHN FAIRFIELD,

Governor of Maine.

MESSAGE OF GOV. FAIRFIELD.

To the Senate and
House of Representatives:

Since my last communication to you upon the subject of the trespassers upon the Public Lands, there has been forwarded to me a Proclamation purporting to have been issued by the Lieut. Governor of the Province of New Brunswick, which I deem it my duty to communicate to you, with a statement of my proceedings consequent thereon.

By this Proclamation, it seems, that while the Lieut. Governor disavows any authority from his Government for the seizure of the Land Agent, he yet speaks of the attempt of the civil authorities of this State to drive a band of armed trespassers from our public lands, as "an outrage" and an invasion of the territory of the Province of New-Brunswick and avows the fact of having ordered "a sufficient military force" to repair to the place where the Land Agent's party are endeavoring to execute your Resolve of the 24th January, and to repel what he thus regards as an invasion of the Province of New Brunswick.

Immediately upon the receipt of this extraordinary document, I took measures to hasten the departure of the reinforcement of the Land Agent's party, understood to have been assembled at Bangor, awaiting orders, and numbering between four and five hundred men—and also issued an order to Maj. General Isaac Hodsdon, of the 3d Division, to detach one thousand men, by draft or otherwise, properly officered and equipped; who were to

rendezvous at Bangor, and then proceed at the earliest possible moment, to the place occupied by the Land Agent's party, on or near the Aroostook river, there to render such aid as would enable the Land Agent to carry into effect the Resolve of the 24th of January.

I also dispatched a special messenger, with a communication to Maj. Kirby, of U. S. Artillery, commanding at Hancock Barracks, Houlton, informing him of the facts and asking his co-operation, with the troops under his command, with the forces of this State, in repelling an invasion of our territory, and sustaining our citizens in the lawful and authorized protection, they are endeavoring to extend over a portion of the property of this State.

If these proceedings on my part, meet the approbation of the Legislature, and an appropriation be made for the purpose, I shall feel it to be my duty to proceed forthwith to order a draft from the militia of at least ten thousand men, who will hold themselves in instant readiness to march to the frontier, should circumstances require it.

I have not yet called upon the President of the United States for aid in repelling the invasion of our territory by foreign troops, deeming it proper to postpone that step until the return of Col. Rogers from his special mission to Frederickton, or at least until some information should be received from him, which will probably be as early as the 20th or 21st instant. If, however, you should think otherwise, and that no delay should be allowed for this purpose, an intimation to that effect will be promptly obeyed.

If I have not entirely misconceived the circumstances of the case presented for your consideration, it is one calculated to excite the deepest feeling in the breast of our citizens and calls for the most prompt and determined action on the part of this Government. What is that case?

You were informed that a large number of armed and desperate men from a neighboring Province, had forced themselves into the territory of this State with a fixed purpose of cutting a vast amount of timber, and of resisting, even unto blood, any attempts to arrest them in the prosecution of their unhallowed object. Deeming it your duty to make an effort to protect the interests of those who had confided them to your care, you instructed the Land Agent to proceed to the scene of devastation and plunder, with a sufficient force to arrest those who were engaged in it, and to break up their daring and wicked enterprise. While in the act of executing this order, the Land Agent was seized, transported beyond the bounds of the State, and finally carried *upon a sled*, like a felon, and under the guard of provincial troops, to the capital of New Brunswick for trial. Could a greater indignity be offered to any people having a particle of sensibility to its rights and its honor, or to the sacredness of the personal liberty of its citizens? It is true that the Lt. Governor denies the original seizure was by authority. But at Woodstock *the Magistrates* took cognizance of the affair, sanctioned the proceedings by issuing a warrant, (acting undoubtedly under the authority of the proclamation,) and sending our citizens under an ignominious escort to Frederickton. Really, if there be any apology or justification for this treatment of our citizens, it is not to be found in any code of international honor or comity with which I have been acquainted.

Not only this, but it seems that a military force is sent into a part of the territory of this State to expel from it a civil force sent there by this government for the protection of its property. How long are we thus to be trampled upon —our rights and claims derided—our power contemned—

and the State degraded? If there ever was a time when the spirit of independence and self-respect should assert itself, that time is the present. We cannot tamely submit to be driven from our territory while engaged in the civil employment of looking after and protecting our property, without incurring a large measure of ignominy and disgrace.

No palliating circumstance for this outrage can be found in even a pretence that the place where it was committed is within the concurrent jurisdiction of the two Governments, much less that the British Government have had *exclusive* jurisdiction. Lands even higher up and beyond this, were surveyed and granted by the State of Massachusetts more than thirty years ago. And Massachusetts and Maine have long been in the habit of granting permits to cut timber upon these Aroostook lands, without being, to my knowledge, molested from any quarter, to say nothing of the sale and actual occupation of the land itself.

It must be gratifying to all who have a true sense of the honor and interests of the State, to perceive that upon this subject the din of party warfare is hushed, and that a unanimity has prevailed, alike honorable and patriotic. No interruption to this commendable spirit I trust will be suffered. Union and good feeling, no less than prudence and energy, are absolutely necessary in this extraordinary emergency.

JOHN FAIRFIELD.

COUNCIL CHAMBER,
Feb. 18, 1839.

Since writing the foregoing, I have received a communication from the Lieut. Governor of the Province of New Brunswick, in which he sets up an alleged agreement that the British Government shall have *exclusive jurisdiction*

and possession of the disputed territory, until the question be settled—and informs us that he is instructed not to suffer any interference with that possession and jurisdiction. He entreats us to withdraw the Land Agent's party, and adds that he has directed a strong force of "Her Majesty's troops to be in readiness to support Her Majesty's authority, and protect Her Majesty's subjects in the disputed territory, in the event of this request not being immediately complied with."

In regard to all this I have only to say, that for one I see no reason to doubt the entire correctness of the course we have thus far pursued, and that with the blessing of God I trust we shall *persevere.*

No such agreement as that alluded to by the Lieut. Governor, can be recognized by us—and it is an entire misapprehension, to say the least of it, that such an agreement has ever been made.

The letter having been written before Mr. McIntire reached Frederickton, no official communication is made as to the course intended to be pursued in regard to him and those arrested with him. I learn however, indirectly, that they are to be retained.

I am informed that the Land Agent's party have stationed themselves for the present at the termination of the Aroostook road. While there, Mr. McLaughlan, the Provincial Land Agent, presented himself, and in the name of Her Majesty warned our party to disperse. Mr. McLaughlan and his two assistants were thereupon taken into custody, and the Agent with one assistant immediately sent to Bangor, where they are now detained.

Copies of the Proclamation and letter of the Lt. Govenor of New Brunswick are herewith communicated.

JOHN FAIRFIELD.

From Sir John Harvey to Gov. Fairfield.

[COPY.]

GOVERNMENT HOUSE, FREDERICKTON, N. B.
February 13th, 1839.

SIR:—I have just heard with the utmost surprise and regret, that without the courtesy of any previous intimation whatever to this Government, an armed force, from the State of Maine, has entered the territory, the claim to which is in dispute betwixt Great Britain and the United States, and which it has been agreed betwixt the two General Governments, shall remain in the exclusive possession and jurisdiction of England, until that claim shall be determined.

It has been my duty, on more than one occasion, to apprize the Executive Government of Maine, that my instructions do not permit me to suffer any interference with that possession and jurisdiction, until the question of right shall have been finally decided, in discussion betwixt the two General Governments.

With the knowledge of these instructions thus explicitly made known, I cannot but repeat the expression of the deep regret which I feel, that instead of seeking their recall or modification through the Presidential Government, the State of Maine should thus have forced, upon a subordinate officer, the alternative of either failing in his duty by abstaining from the fulfilment of the commands of his Sovereign, or, by acting up to them, placing the two countries in a state of border collision, if not the two nations in immediate and active hostility.

Such, nevertheless, is the position in which I find myself placed by this overt act on the part of the State of Maine, one from which I do not hesitate in entreating your Excellency to relieve me, by ordering the immediate recall of a force, whose presence within the precincts of the territory as claimed by England, it is contrary to my instructions to permit—and it is proper that I should acquaint your Excellency that I have directed a strong force of Her Majesty's troops to be in readi-

ness to support Her Majesty's authority, and protect Her Majesty's subjects in the disputed territory, in the event of this request not being immediately complied with.

With regard to any plea for these proceedings on the part of the State of Maine, connected with timber spoliations in that territory, I have to inform your Excellency, that I have given directions for a boom to be placed across the mouth of the Aroostook, where the seizing officer, protected by a sufficient guard, will be able to prevent the passage of any timber into the St. John in the spring, or to seize it and expose it to public sale, for the benefit of the "disputed territory fund."

Similar precautions will be adopted in regard to any timber cut upon the upper St. John, or the tributary streams falling into it.

Anxiously awaiting your Excellency's reply to this communication,

I have the honor to be your Excellency's
Most obedient and humble servant,
J. HARVEY.

By His Excellency Major General SIR JOHN HARVEY, *K. C. B. and K. C. H. Lieutenant Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c.*

JOHN HARVEY.

A PROCLAMATION.

WHEREAS, I have received information that a party of armed persons, to the number of two hundred, or more, have invaded a portion of this Province, under the jurisdiction of Her Majesty's Government, from the neighboring State of Maine, for the professed object of exercising authority, and driving off persons stated to be cutting timber therein: and that divers other persons have without any legal authority, taken up arms with the intention of resisting such invasion and outrage, and have broken open certain stores in Woodstock, in which arms

and ammunition belonging to Her Majesty were deposited, and have taken the same away for that purpose, I do hereby charge and command all persons concerned in such illegal acts forthwith to return the arms and ammunition, so illegally taken, to their place of deposit, as the Government of the Province will take care to adopt all necessary measures for resisting any hostile invasion or outrage that may be attempted upon any of Her Majesty's territories or subjects.

And I do hereby charge and command all Magistrates, Sheriffs, and other officers, to be vigilant in aiding and assisting in the apprehension of all persons so offending, and to bring them to justice. And in order to aid and assist the civil power in that respect, if necessary, I have ordered a sufficient Military force to proceed forthwith to the place where these outrages are represented to have been committed, as well to repel foreign invasion, as to prevent the illegal assumption of arms by Her Majesty's subjects in this Province.

And further, in order to be prepared, if necessary, to call in the aid of the Constitutional Militia force of the country, I do hereby charge and command the officers commanding the First and Second Battalions of the Militia of the County of Carleton, forthwith to proceed as the law directs, to the drafting of a body of men, to consist of one fourth of the strength of each of those Battalions, to be in readiness for actual service, should occasion require.

Given under my Hand and Seal at Frederickton, the thirteenth day of February, in the year of our Lord one thousand eight hundred and thirty-nine, and in the second year of Her Majesty's Reign.

By His Excellency's Command.

WM F. ODELL.

God save the Queen.

Resolves of the Legislature, Feb. 20 and 22.

STATE OF MAINE.

RESOLVE for the protection of the Public Lands.

Resolved, That the honor and interest of this State demand, that a sufficient military force be forthwith stationed at the Aroostook river, west of the boundary line of the State as established by the Treaty of 1783; and on the river St. John, if found practicable, at such points as may be best adapted to the object, to prevent further depredations on the public lands, and to protect and preserve the timber, and other lumber already cut there by trespassers, and to prevent its removal without the limits of the State.

Resolved, That the sum of eight hundred thousand dollars be and hereby is appropriated for the purpose of enabling the Executive to carry out the purposes of the foregoing Resolve, and the Resolve passed January 24th, 1839. And that the Governor be and hereby is authorized with the advice of Council to draw his warrant for the same from time to time as it may be needed for that purpose.

[Approved February 20, 1839.]

STATE OF MAINE.

An additional Resolve relating to trespassers upon the Public Lands.

Resolved, That the Governor be requested forthwith to communicate to the President of the United States, the measures recently adopted by the State of Maine in rela-

tion to the trespasses on the Public Lands of this State; and also copies of the correspondence between the Governor of New Brunswick and the Executive of Maine in relation to those measures; together with any information in his possession relative to the subject; and to request the aid of the General Government in support of the rights of the State of Maine.

[Approved February 22, 1839.]

HOUSE OF REPRESENTATIVES, February 18, 1839.

On motion by Mr. VOSE of Augusta,

Ordered, That the Governor be requested to communicate forthwith to the Executive of Massachusetts any information in his possession relating to trespasses committed upon the disputed territory—and to request her aid in the measures taken by this State.

Sent up for concurrence.

CHARLES WATERHOUSE, Clerk.

IN SENATE, February 19, 1839.

Read and concurred.

WILLIAM TRAFTON, Secretary.

HOUSE OF REPRESENTATIVES, February 20, 1839.

On motion by Mr. ALLEN of Alfred,

Ordered, That the Governor be requested, if he shall deem it expedient, to communicate to this House, such further correspondence as he may have had with Sir John Harvey upon the subject of the North Eastern Boundary.

Read and passed.

CHARLES WATERHOUSE, Clerk.

MESSAGE OF GOV. FAIRFIELD.

To the House of Representatives:

Agreeably to your request of this day, I herewith lay before you my reply to the letter of Sir John Harvey, Lt. Governor of the Province of New Brunswick, under date of the 13th instant, his letter having been heretofore communicated.

JOHN FAIRFIELD.

Council Chamber,
February 20, 1839.

From Gov. Fairfield to Sir John Harvey

[COPY.]

Executive Department,
Augusta, February 19, 1839.

His Excellency,
Sir John Harvey,
Lt. Governor of N. Brunswick:

Sir:—I have the honor to acknowledge the receipt of your Excellency's letter of the 13th instant by express, and avail myself of the return of your messenger, R. English, Esq. to make a reply.

You say, "I have just heard with the utmost surprise and regret, that, without the *courtesy* of any previous intimation whatever to this Government, an armed force from the State of Maine, has entered the territory, the claim to which is in dispute," &c.

In reply, I cannot but regret that your Excellency should have thought the use of such language suitable to be employed

upon this occasion. If I am amenable to a charge of want of "*courtesy*" in anything I have heretofore done, I will endeavor to manifest enough of that accomplishment in this reply, not to bandy epithets with one, of whom I had formed so high an opinion as of your Excellency—and will only say further, that, while I have the honor to hold the place I now occupy, I trust that a sense of duty to my State and her interests, will always predominate over a mere blind regard to the artificial rules of etiquette. I think, however, that your Excellency would not have used that term, if you had considered for a moment, that the proceedings of our Land Agent were in execution of a Resolve of the Legislature of this State, adopted in *secret session*, and that no notice of these proceedings could have been given without an unqualified breach of faith and duty.

In speaking of the disputed territory, your Excellency says, "the claim to which is in dispute betwixt Great Britain and the United States, and which it has been agreed betwixt the two General Governments, shall remain in the exclusive possession and jurisdiction of England until that claim shall be determined."

Now, sir, I cannot hesitate to say, that, in my opinion, your Excellency is laboring under an entire misapprehension in regard to the facts. No such agreement, I am persuaded, has ever been made between the two Governments. I have looked in vain for it among the numerous documents which have grown out of this question, and have never heard of any recognition of it, verbal or otherwise, on the part of the officers of the General Government. If, however, such an agreement exists, your Excellency can undoubtedly point it out. At all events, such an agreement can never be recognized by this State. A decent self-respect will ever forbid it, if there were no other considerations in the way.

Your Excellency entreats me immediately to recall the force now upon the territory, and then adds—"It is proper that I should acquaint your Excellency that I have directed a strong

force of her Majesty's troops to be in readiness to support her Majesty's authority, and protect her Majesty's subjects in the disputed territory, in the event of this request not being immediately complied with."

In reply I have to say, that the territory bordering upon the Aroostook river has always been, as I regard the facts, in the possession and under the jurisdiction of Massachusetts and Maine—that, more than thirty years ago, Massachusetts surveyed and granted large tracts of it, which have ever since been, in some way, possessed by the grantees and those claiming under them—that, the rest of it was surveyed by, and some of it divided between, Massachusetts and Maine, soon after the latter became an independent State—that both States have long been in the habit of granting permits to cut timber there without being molested from any quarter—that, many persons have purchased these lands of Maine, and entered into their actual occupation, and that in various other ways, Maine has exercised a jurisdiction which may fairly be regarded as exclusive, over this territory. Under these circumstances, information was received that a body of armed men had gone into this territory and were cutting vast quantities of the timber, defying the power of this State to prevent them. On these facts being communicated to the Legislature, the two branches immediately directed the Land Agent to take with him a sufficient force to arrest these depredators, and to break up their enterprize. The party of the Land Agent is now on the territory, engaged in executing the trust with which it was charged, and with my consent will never leave it, while the protection of the property of the State from plunderers renders it necessary for them to remain. If your Excellency chooses to send an armed force to attempt their expulsion, I can only say that this State will endeavor to meet such an attempt as it will deserve. I have no threats to make or boastings to indulge. If Maine does her duty, as I trust in God she will, nothing that I could say in advance would add to the glory of her career.

If she proves recreant to her duty and tamely submits to be expelled from her territory by a force that she could successfully resist, nothing that I can say would tend to diminish the measure of her ignominy and disgrace.

I have the honor to be,
With high respect,
Your Excellency's ob't serv't,
JOHN FAIRFIELD,
Gov. of Maine.

MESSAGE OF GOV. FAIRFIELD.

To the House of Representatives:

UNDER the Order of the House of Representatives of the 19th instant, I herewith lay before you certain correspondence since had with the Lieut. Governor of New Brunswick, and the correspondence between Geo. Frederick Street, Esq., Solicitor General for the Province of New Brunswick, and Charles Jarvis, Esq., Provisional Land Agent of this State.

The reply of Mr. Jarvis to the inadmissible and preposterous claims and pretensions of Her Majesty's Solicitor General for the Province of New Brunswick, must I think, command the unqualified approbation of every one having a just regard for the honor of his State. It is in the true spirit. And I have every reason to believe that the same spirit animates the whole body of our citizens. While it prevails, though success will be deserved, defeat can bring no disgrace.

You will see by the accompanying papers, and I take great pleasure in communicating the fact, that Mr. McIntire and his assistants have been released. It was, however, upon their parole of honor, to return when thereto required by the Government of that Province. Immediately upon the receipt of this information, I advised the release of James McLaughlan, Esq. Provincial Land Agent, and his assistants, upon *the same terms.*

Since my last communication, the Land Agent's forces at the Aroostook, have been re-inforced by about six hundred good and effective men, making the whole force now about seven hundred and fifty.

I have a letter from Mr. Jarvis, dated the 19th, before the re-inforcement had arrived, and when his company consisted of only about one hundred men. He says he "found the men in good spirits, and that they had been active in making temporary, but most effectual defences, of logs, &c. After describing his defences, he says, "by to-morrow noon, a force of one hundred men would make good our position against five hundred. *Retreating therefore is out of the question.* We shall make good our stand against any force that we can reasonably expect would be brought against us." He says further, "I take pleasure in saying to you that a finer looking set of men I never saw, than those now with me, and that the honor of our State, so far as they are concerned, is in safe keeping."

The draft of one thousand men from the Third Division has been made with great dispatch. The troops, I understand, arrived promptly at the place of rendezvous, at the time appointed, in good spirits, and anxious for the order to march to the frontier. The detachment from this Second Division will be ordered to march at the earliest convenient day, probably on Monday next. Other military movements will be made which it is unnecessary to communicate to you at this time.

The mission of Col. Rogers to the Lt. Governor of New Brunswick, has resulted successfully, so far as relates to the release of the Land Agent and his assistants, and has been conducted in a manner highly satisfactory.

JOHN FAIRFIELD.

COUNCIL CHAMBER,
Feb. 21, 1839.

CORRESPONDENCE.

No. 1.

From Sir John Harvey to Gov. Fairfield.

[COPY.]

GOVERNMENT HOUSE, FREDERICKTON, N. B.,
February 18th, 1839.

SIR :—I have the honor to acknowledge the receipt by the hands of the Honorable Mr. Rogers, of your Excellency's letter of the 15th instant. Mr McIntire and the gentlemen with him have been subjected to an examination before Her Majesty's Attorney General of this Province, who has reported to me that the offence of which they stand charged, is one rather against the Law of Nations and of Treaties, than against those of this Province—they must accordingly be regarded as "State offenders"—in this view their disposal rests exclusively with Her Majesty's Government, to which I shall accordingly report the case. In the mean time I have had pleasure in directing that they shall immediately be allowed to return to the State of Maine, upon pledging their parole of honor to present themselves to the Government of this Province, whenever Her Majesty's decision may be received, or when required to do so. The high respectability of their characters and situations, and my desire to act in all matters relating to the Disputed Territory, in such a manner as may evince the utmost forbearance consistent with the fulfilment of my instructions, have influenced me in my conduct towards these gentlemen—but it is necessary that I should upon this occasion distinctly state to your Excellency:

1st. That if it be the desire of the State of Maine that the friendly relations subsisting between Great Britain and the United States should not be disturbed, it is indispensable that the armed force from that State now understood to be within the territory in dispute, be immediately withdrawn, as otherwise I have no alternative but to take Military occupation of that territory, with a view to protect Her Majesty's subjects, and to support the civil authorities in apprehending all persons claiming to exercise jurisdiction within it.

2d. That it is my duty to require that all persons, subjects of Her Majesty, who may have been arrested in the commission of acts of trespass within the Disputed Territory, be given up to the tribunals of this Province, there to be proceeded against according to law.

3d. That in the event of the rumor which has just reached me relative to the arrest, detention or interruption of James MacLaughlan, Esq. the Warden of the Disputed Territory, being correct, that that officer be enlarged and the grounds of his detention explained.

Mr. Rogers takes charge of this letter, of which a duplicate will be placed in the hands of the Hon. Mr. McIntire, with both of whom I have conversed, and communicated to them my views in regard to the actual position in which I shall be placed, and the measures which will be forced upon me, if the several demands contained in this letter be not complied with—and I have reason to believe that Mr. McIntire leaves me fully impressed with the anxious desire which I feel to be spared the necessity of acting as the letter of my instructions would both warrant and prescribe.

With regard to trespassers upon the lands of the disputed territory, I beg leave to assure you that the extent to which those trespasses appear to have been carried, as brought to my knowledge, by recent occurrences, will lead me to adopt without any delay, the strongest and most effectual measures

which may be in my power, for putting a stop to and preventing the recurrence of such trespasses.

With high respect,

I have the honor to be

Your Excellency's

Most obed't serv't,

J. HARVEY,

M. General, Lieut. Governor, &c.

His Excellency,

The Governor of Maine.

No. 2.

[COPY.]

FREDERICKTON, NEW BRUNSWICK, 18 Feb'y, 1839.

Whereas the offence wherewith you stand charged has been pronounced by the Law Officers of this Province, as one rather against the Law of Nations and of Treaties than against the Municipal Laws of this country—and as such must be referred for the decision of Her Majesty's Government—You are hereby required to pledge your Parole of Honor to present yourselves at Frederickton in this Province of New Brunswick, whenever such decision shall be communicated, or you shall be otherwise required by or on the part of this Government—and for this purpose you shall make known the place or places to which such requisition shall be sent.

J. HARVEY.

To the Hon'ble RUFUS MCINTIRE,
GUSTAVUS G. CUSHMAN,
THOMAS BARTLETT, and
EBENEZER WEBSTER, Esq'rs.

We have no hesitation in giving, and hereby do give the Parole of Honor above referred to.

18 Feb., 1839.

Witness: W. EAD.

No. 3.

From Gov. Fairfield to Sir John Harvey.

[COPY.]

EXECUTIVE DEPARTMENT,
Augusta, February 21, 1839.

His Excellency,
Sir JOHN HARVEY,
Lt. Governor N. Brunswick:

SIR:—I have the honor to acknowledge the receipt of your Excellency's communication of the 18th inst. by the hand of Col. J. P. Rogers.

To your demand for the discharge of the persons arrested by the authorities of this State for being engaged in acts of trespass upon the Public Lands of this State, I have to say, that, the persons named are now in the *custody of the law*. With that custody I have neither the disposition nor the authority to interfere.

In regard to James McLaughlan, Esq., Provincial Land Agent, and Mr. Tibbetts, his assistant, I have advised, that they be released upon the *same terms* upon which the Hon. Rufus McIntire and his assistants were released, to wit: upon their *parole of honor* to return to Bangor whenever they should be thereto required by the Executive Government of this State, to answer to any charges that may be brought against them, for their acts and proceedings upon what your Excellency is pleased to call "the disputed territory."

For a reply to the remainder of your Excellency's communication, I must refer you to my letter of the 18th instant, which you will receive by the hand of R. English, Esq.

I have the honor to be,
With high respect,
Your Excellency's ob't serv't,
JOHN FAIRFIELD,
Governor of Maine.

No. 4.

From Mr. Street to Mr. Harvey.

[COPY.]

At the Mouth of the Aroostook, River St. John, Province of New Brunswick, 17th February, 1839.

SIR:—I am directed by His Excellency Major General Sir John Harvey, Lieutenant Governor and Commander-in-Chief of this Province, to express to you his great surprise at the very extraordinary occurrence of an armed force of the description now with you, having entered upon the disputed territory, so called, and attempted to exercise a jurisdiction there foreign to the British Government, seizing upon and maltreating British subjects, and detaining many of them prisoners, without having in the first instance given any notice or made any communication whatever to the Government authorities of this Province of such your intention, or the causes which have led to these acts of aggression. If you are acting under any authority of your own Government, the proceeding is still more unjustifiable, being in direct defiance and breach of the existing Treaties between the Central Government of the United States and England. If you have not any such authority, you and those with you, have placed yourselves in a situation to be treated by both Governments, as persons rebelling against the laws of either country—but be that as it may, I am directed by his Excellency, to give you notice, that unless you immediately remove with the force you have with you, from any part of the disputed territory, so called, and discharge all British subjects whom you have taken prisoners, and at once cease attempting to exercise any authority in the said territory not authorized by the British Government, every person of your party that can be found or laid hold of, will be taken by the British authorities in the Province, and detained as prisoners to answer for the offence. As his Excellency is expressly commanded by his Sovereign, to hold this territory inviolate, and to defend it

from any foreign aggression whatever, until the two Governments have determined the question of to whom it shall belong —and to enable him to carry these commands into full effect, a large military force is now assembling at this place, part of which has already arrived, and will be shortly completed to any extent that the service may require. In doing this, his Excellency is very desirous to avoid any collision between her Majesty's troops and any of the citizens of the United States that might lead to bloodshed, and if you remove from the territory peaceably and quietly without further opposition, such collision will be avoided—as in that case his Excellency wil not think it necessary to move the British troops further; but if you do not, he will in the execution of the commands of the British Government, find it necessary to take military possession of the territory in order to defend it from such innovation, and the consequences must be upon your own head, or upon the authority, if any, under which you act. The three gentlemen who were with you and were taken prisoners by some of our people, have been forwarded on to Frederickton by the magistrates of the country, and will be detained (as all persons heretofore have been, who on former occasions were found endeavoring to set up or exercise any foreign jurisdiction or authority in the territory in question.) They will however be well treated, and every necessary attention paid to their comfort; but I have no doubt they will be detained as prisoners, to be disposed of as may hereafter be directed by the British Government. The Warden of the disputed territory, Mr. McLaughlan, went out I understand a few days since, to explain all this to you, but he not having returned, we are led to suppose you have still further violated the laws and Treaties of the two nations, by detaining him who was a mere messenger of communication, together with Mr. Tibbetts, the person who was employed to convey him. But as Mr. McLaughlan was an accredited officer, acknowledged by the American Government as well as the British, and appointed for the very purpose of looking after this territory, I trust you will on reflection,

see the great impropriety and risk you run, even with your own Government, by detaining him or his attendant, Mr. Tibbetts, any longer. I shall await at this place to receive your answer to this. I am, sir,

Your most ob't humble serv't,
GEO. FRED. STREET,
Solicitor General of the Province.

To the Officer commanding the armed force on the disputed territory.

No. 5.

From Mr. Jarvis to Mr. Street

[COPY.]

Confluence of the St. Croix Stream,
Aroostook River Township No. 10,
State of Maine—Feb'ry 19th, 1839.

SIR:—Your communication of the 17th inst. has been this moment rec'd. The Solicitor General of the Province must have been misinformed as to the place where the force under my direction is now located, or he would have been spared the impropriety of addressing such a communication to me, a citizen of the State of Maine one of the North American Confederacy of United States.

It is also to be hoped for the honor of the British Empire, that when Major General Sir John Harvey, Lieut. Governor and Commander-in-Chief of the Province of New Brunswick, is made acquainted with the place where the Hon. Rufus McIntire, Land Agent of the State of Maine, and the two other gentlemen with him, were forcibly arrested, by a lawless mob, that he will direct their immediate discharge and bring the offenders to justice.

The officer to whom you allude and the person in company with him, were arrested for serving a precept on a citizen of Maine. He was sent on immediately to Augusta, the seat of Government, to be dealt with by the authorities of the State. Their persons are not therefore in my power, and application for their discharge must be made to the Government of the State.

If, however, I have been in error as to your being under a mistake as to the place where I am now stationed, on land which was run out into townships by the State of Massachusetts and covered by grants from that State before Maine was separated from Massachusetts, and which has therefore been under the jurisdiction of Maine since she took her rank among the Independent States of the North American Union; therefore, as a citizen of Maine in official capacity, I have but one answer to return to the threat conveyed. I am here under the direction of the Executive of the State, and must remain until otherwise ordered by the only authority recognized by me, and deeply as I should regret a conflict between our respective countries, I shall consider the approach to my station, by an armed force, as an act of hostility, which will be met by me to the best of my ability.

I am sir,
Your most ob't serv't,
CHARLES JARVIS,
Land Agent.

To Geo. Fred Street, Esq.
Solicitor Gen. of Prov. of N. B.

From Gov. Fairfield to President Van Buren.

[COPY.]

EXECUTIVE DEPARTMENT,
Augusta, Feb. 18, 1839.

His Excellency M. VAN BUREN,
President of the United States:

SIR:—I have the honor herewith to enclose the Governor's Message to the Legislature of this State on the 24th ultime—and Resolve of the Legislature of the same date—Message of the 15th instant—and Resolve of the same date—Message of the 18th instant—and Resolves passed by the House of Representatives, of same date—a proclamation issued by Sir John Harvey, Lt. Governor of New Brunswick on the 13th instant—and a letter received by express, from him, this morning, also dated February 13th.

By these papers you will learn that the Hon. Rufus McIntire, while engaged in the service of this State as Land Agent, in endeavoring to expel from lands bordering on the Aroostook River, in this State, a body of armed men, principally from the British Provinces, who were engaged in cutting the timber, in defiance of the authorities of this State, has been seized, with Gustavus G. Cushman and Thomas Bartlett, Esquires, who were aiding the Land Agent in this service, and have been transported to Frederickton the capitol of New Brunswick. The manner in which this was done I have described in my message to the Legislature of this day. It was, to say the least of it, grossly insulting to Mr. McIntire, and is such an indignity to the State and the Nation as cannot and ought not to be submitted to. These gentlemen have been seized, upon territory which is regarded by Maine as having always been within her exclusive possession and jurisdiction, as will appear by a few of the facts alluded to in my Message.

You will perceive by the Proclamation and letter of Sir John Harvey that he assumes the extraordinary position that the British Government by an agreement with the Government of

the United States, is entitled to the exclusive possession and jurisdiction of the whole disputed territory until the question of right shall be settled—and that he has ordered out a large military force to expel the party in the service of the Land Agent from the territory, calling the proceeding on our part, an invasion of Her Majesty's Province of New Brunswick. In this state of things, I have to inform your Excelleucy that our citizens now upon this territory engaged in the service of the State, will not leave it without accomplishing their object, unless compelled so to do by a superior force. That one thousand drafted militia will march for the Aroostook on Wednesday the 21st instant, to aid and assist the Land Agent in carrying into effect the Resolve of the 24th of January. I shall also forthwith proceed to order a further draft of the Militia of at least ten thousand men, who will hold themselves in instant readiness to march. Such further measures as it may be found necessary to take to maintain the rights of this State in the premises, I assure your Excellency that I shall not fail to take, and that with as much promptness as circumstances will permit.

These in brief, (in connection with the papers inclosed) are the facts in the case—and if I do not misconceive them, they authorize me to call upon the General Government, which I do, for that aid and assistance which the whole States have guaranteed to each in such an emergency.

In a case of such deep and vital interest to this State, I feel confident that you will not only rightly appreciate the common feeling of our citizens, but that you will act with that promptness and efficiency which our peculiar position demands.

I have not time to enter more at length into the circumstances of the case. John D. McCrate, Esq., the bearer of these dispatches, will communicate such further information as your Excellency may be desirous of obtaining.

I will only add, that in this State there is but one feeling upon this subject, and that is, of deep indignation at the outrages that have been perpetrated, and of a fixed and unyielding

determination not to submit to the degrading terms proposed by the Lieut. Governor of New Brunswick, that of withdrawing from the Aroostook territory, and abandoning our soil to foreigners and our property to a band of armed plunderers.

I have the honor to be,
With high respect,
Your most ob't serv't,
JOHN FAIRFIELD,
Gov. of Maine.

From Gov. Fairfield to President Van Buren.

[COPY.]

EXECUTIVE DEPARTMENT,
Augusta, Feb. 19, 1839.

His Excellency,
M. VAN BUREN,
President U. States:

SIR:—Yesterday I had the honor to enclose you certain papers relating to the difficulties which have arisen upon our Northeastern frontier, with a brief statement of the facts.

I have now the honor to enclose you my reply to the letter of the Lieut. Governor of New Brunswick, under date of the 13th instant, and Resolves passed by both branches of our Legislature.

I would further inform your Excellency, that by a communication just received from Maj. Kirby, of U. S. Artillery, commanding at Hancock Barracks, Houlton, I learn that "the 36th Regiment from a West India station, has arrived in the Province"—that "on the 16th inst. one company of that Regiment passed Woodstock, destined to the north of the Aroostook"—that "this morning (the 18th) another company followed—the whole under the command of Col. Maxwell," &c. &c. He adds, as a rumor, that "one of the Regiments

which recently passed through to Canada, is ordered back, and that two more Regiments are daily expected from the West Indies."

The Hon. Rufus McIntire is still detained by the Provincial authorities at Frederickton.

Under these circumstances, I cannot but entertain the belief that as many regiments of U. States troops, as can possibly be spared from other service, will be ordered forthwith to our frontier, and that Maj. Kirby will also receive orders to co-operate with the forces of this State in repelling an invasion of our territory.

Without time to add more I subscribe myself,

With assurances of high respect,

Your Excellency's ob't serv't,

JOHN FAIRFIELD,

Gov. of Maine.

From Gov. Fairfield to President Van Buren.

[COPY.]

EXECUTIVE DEPARTMENT,
Augusta, Feb. 22d, 1839.

His Excellency,
M. VAN BUREN,
President United States:

SIR:—I have the honor to enclose herewith, copies of letters from the Lt. Governor of New Brunswick, under date of Feb. 18th, with my reply thereto—letter from the Solicitor General of the Province of New Brunswick to the Hon. Charles Jarvis, temporary Land Agent, under date of the 17th instant, with Mr. Jarvis's reply—Parole of honor given by Messrs. McIntire, Cushman, Bartlett and Webster, dated 18th February—my Message to the Legislature of the 21st instant.

These papers will give your Excellency all the additional information, of importance, not heretofore communicated, that has been received in relation to the state of affairs upon our eastern frontier. I cannot but persuade myself that your Excellency will see that an attack upon the citizens of this State by a British armed force is, in all human probability, inevitable; and that the interposition of the General Government at this momentous crisis, should be promptly afforded.

I have the honor to be,
With high respect,
Your Excellency's ob't serv't,

JOHN FAIRFIELD,
Gov. of Maine.

STATE OF MAINE.

House of Representatives, }
February 21, 1839. }

Ordered, That 10,000 copies of the correspondence between the Governor of this State and Sir John Harvey, Lt. Governor of New Brunswick, together with all Documents relating to the difficulties on the North Eastern Frontier, be printed for the use of the Legislature.

CHARLES WATERHOUSE, *Clerk.*

TIVES, }
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spondence
n Harvey,
all Docu-
h Eastern
ire.
, *Clerk.*